

ASHFORD & WRISTON LLP  
A Limited Liability Law Partnership LLP

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Attorneys for Creditor Ronda Beselt

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII

IN RE	)	CASE NO.: 23-000149
	)	
PETER CHEN HSIEH,	)	(Chapter 13)
	)	
Debtor	)	<b>DECLARATION OF ELLEN A.</b>
	)	<b>SWICK; EXHIBITS “A” – “C”</b>
	)	
	)	
	)	

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**DECLARATION OF ELLEN A. SWICK**

I, ELLEN A. SWICK, hereby declare and state under penalty of perjury:

1. I am an attorney in the law firm of Ashford & Wriston, LLP., and am counsel to Defendant/Cross-claim Defendant Haleakala Ranch Company (“HRC”).
2. I make this declaration based on personal knowledge and am competent to testify to the matters contained herein.
3. Attached hereto as Exhibit “A” is a true and correct copy of an email exchange I had with debtor’s counsel Donald Spafford, Esq. on May 25, 2023 and June 5, 2023.
4. Attached hereto Exhibit “B” is a true and correct copy of a transcript from the April 12, 2023 341 Meeting of Creditors for Debtor Peter Hsieh in the instant case.
5. Attached hereto Exhibit “C” is a true and correct copy of a transcript from the April 12, 2023 continued 341 Meeting of Creditors for Debtor Peter Hsieh in the instant case.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai‘i; June 13, 2023.

/s/ Ellen A. Swick

ELLEN A. SWICK

Attorneys for Creditor Ronda Beselt

**Ellen A. Swick**

---

**From:** Donald Spafford Jr. <donaldspaffordattorney@gmail.com>  
**Sent:** Monday, June 05, 2023 10:52 AM  
**To:** Ellen A. Swick  
**Subject:** Re: Peter Hsieh # 23-00149

Hi Ellen,

Peter Hsieh and I are available on June 22 or 23, 2023 for the Rule 2004 exam. Mr. Hsieh thinks Ms. Ronda Beselt's claims against him are frivolous, barred by the statute of limitations, warrant Rule 11 sanctions, and are dischargeable in his bankruptcy case. For these reasons, he is not willing to agree to an extension of the complaint deadline.

Don

Donald L. Spafford, Jr.  
Attorney at Law  
Pauahi Tower, Suite 2640  
1003 Bishop Street  
Honolulu, HI 96813  
Ph. (808) 532-6300

On Mon, Jun 5, 2023 at 8:55 AM Ellen A. Swick <[eswick@awlaw.com](mailto:eswick@awlaw.com)> wrote:

Don,

I'm following up on this. Please provide a response so we know how to proceed. Thank you.

**Ellen A. Swick**

*Counsel*



Ashford + Wriston, LLLP

First Hawaiian Center

999 Bishop Street, Suite 1400  
Honolulu, Hawaii 96813

**EXHIBIT "A"**

T: (808) 539-0408 | F: (808) 533-4945  
[eswick@awlaw.com](mailto:eswick@awlaw.com) | [ashfordwriston.com](http://ashfordwriston.com)

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**From:** Ellen A. Swick  
**Sent:** Thursday, May 25, 2023 10:17 AM  
**To:** Don Spafford <[spafford@lava.net](mailto:spafford@lava.net)>  
**Subject:** Peter Hsieh # 23-00149

Hi Don,

I would like to conduct a Rule 2004 examination of the debtor. Are you and your client available June 8, June 13, or June 20?

I would also like to request a 60 day extension to the Complaints deadline, currently set for June 13.

Thank you.

**Ellen A. Swick**

*Counsel*



Ashford + Wriston, LLLP

First Hawaiian Center

999 Bishop Street, Suite 1400  
Honolulu, Hawaii 96813

T: (808) 539-0408 | F: (808) 533-4945  
[eswick@awlaw.com](mailto:eswick@awlaw.com) | [ashfordwriston.com](http://ashfordwriston.com)

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1 UNITED STATES BANKRUPTCY COURT  
2 DISTRICT OF HAWAII  
3  
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5  
6 CHAPTER 13  
7 341 MEETING OF CREDITORS  
8 IN RE:  
9 PETER CHEN HSIEH, DEBTOR  
10

11 CASE NUMBER 23-00149  
12

13 HELD ON APRIL 12, 2023  
14

15 TRANSCRIPT OF PROCEEDINGS  
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23

24 TRANSCRIBED BY: LAURA SAVO, RPR, CSR NO. 347  
25

**EXHIBIT "B"**

A P P E A R A N C E S

For Chapter 13 Trustee NIMA GHAZVINI:

KA'ALA DUFFY, ESQ.  
1050 Bishop Street, Suite 521  
Honolulu, Hawaii 96813  
(808) 526-3083

For Debtor PETER CHEN HSIEH:

DONALD SPAFFORD, JR., ESQ.  
1003 Bishop Street, Suite 470  
Honolulu, Hawaii 96813  
(808) 532-6300

For Creditor DAWN TOSHIKO YOSHIOKA:

OFIR RAVIV, ESQ.  
Square One Legal LLC  
1001 Bishop Street, Suite 2850  
Honolulu, Hawaii 96813  
(808) 201-6000

For Creditor RONDA BESELT:

ELLEN SWICK, ESQ.  
Ashford & Wriston, LLP  
999 Bishop Street, Suite 1400  
Honolulu, Hawaii 96813  
(808) 539-0408

Also Present:

Peter Chen Hsieh, Debtor

Ronda Beselt, Creditor

I N D E X

DEBTOR:	EXAMINATION	PAGE
PETER CHEN HSIEH	BY MS. DUFFY	5
	BY MR. RAVIV	19
	BY MS. SWICK	23

INFORMATION TO BE SUPPLIED

Page 10, Line 19



1 Yoshioka.

2  
3 EXAMINATION

4 BY MR. RAVIV:

5 Q Good morning, Mr. Hsieh.

6 A Good morning, all.

7 Q I just have a few questions. I'm not  
8 going to take very long. I want to ask one question  
9 about the million dollars that you said you  
10 transferred. I believe it was at the beginning of  
11 2019 as part of that -- in anticipation of the  
12 divorce to your ex-wife, Pearl Hsieh. Has the  
13 divorce been finalized?

14 A Yes.

15 Q And other than the million dollars, was  
16 there any other amounts that you ended up required to  
17 pay her or that you transferred to her other than the  
18 million dollars?

19 A Just the stated child support, monthly  
20 child support of 160, but everything else she waived,  
21 alimony or property settlement.

22 Q Now, do you recall the form of payment  
23 when you paid the million dollars? Was it, like, in  
24 cash in a suitcase? Was it a certified check or  
25 personal check? Do you remember how the funds were

1 transferred to her?

2 A It was two certified checks of 500,000  
3 each. And I -- I had those cashier's checks made  
4 here at First Hawaiian Bank. I flew up to Vegas and  
5 gave her the two checks.

6 Q Okay. Thank you about that.

7 Do you have a discipline -- any out- --  
8 any outstanding unpaid loans that you gave money to  
9 someone else and someone owes you money?

10 A No, I do not.

11 Q Do you recall a Jamba Juice -- a person  
12 you used to date known by Suji Kim?

13 A Oh, yes. Yeah. I -- that is right. I  
14 loaned her money. She was a -- a former girlfriend.  
15 I loaned her some money, but she -- I don't know  
16 where she is, and as far as I'm concerned, it's not  
17 collectible because I don't think she is in Hawaii.

18 Q Okay. And you recall approximately when  
19 and how much you give her?

20 A I would say around 2018, and the loan --  
21 I gave her a couple of loans probably totaling 25- or  
22 30,000.

23 Q So those are the amounts that you  
24 remember. Okay. And it appears like on your  
25 bankruptcy schedule, you did not list this -- this

## C E R T I F I C A T E


STATE OF HAWAII )  
 ) ss.  
CITY AND COUNTY OF HONOLULU )

I, LAURA SAVO, a Certified Shorthand Reporter in and for the State of Hawaii, do hereby certify:

That the foregoing proceedings were transcribed by me or under my supervision and is a complete, true and correct transcript from the official electronic sound recording of the previously entitled matter.

I further certify that I am not of counsel or attorney for any of the parties to this case, nor in any way interested in the outcome hereof, and that I am not related to any of the parties hereto.

Dated: June 7, 2023



LAURA SAVO, RPR, CSR NO. 347

1 UNITED STATES BANKRUPTCY COURT  
2 DISTRICT OF HAWAII  
3  
4  
5

6 CHAPTER 13  
7 341 MEETING OF CREDITORS  
8 IN RE:  
9 PETER CHEN HSIEH, DEBTOR  
10

11 CASE NUMBER 23-00149  
12

13 HELD ON MAY 24, 2023  
14

15 TRANSCRIPT OF PROCEEDINGS  
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24 TRANSCRIBED BY: LAURA SAVO, RPR, CSR NO. 347  
25

**EXHIBIT "C"**

A P P E A R A N C E S

For Chapter 13 Trustee NIMA GHAZVINI:

KA'ALA DUFFY, ESQ.  
1050 Bishop Street, Suite 521  
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For Debtor PETER CHEN HSIEH:

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Peter Chen Hsieh, Debtor

Ronda Beselt, Creditor

I N D E X

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INFORMATION TO BE SUPPLIED

1 car. I used a portion to invest in the stock market,  
2 trading options, and I used a portion to buy gifts  
3 for my then girlfriend and provide a loan to her for  
4 her gambling.

5 Q When you say "girlfriend," which one?  
6 Which girlfriend? The one who was on the Big Island?  
7 What's her name?

8 A I don't know where she is now, but her  
9 name is Sue G. Kim.

10 Q Okay. Like a ballpark figure, like  
11 100,000, 200,000? Just a ballpark figure, how much  
12 did you give her, do you know?

13 A Gifts and -- and money gifts and tangible  
14 gifts, probably around 220,000, 225,000.

15 Q And investment in stock market, what  
16 happened with that? Did you lose it? I mean, what  
17 happened with all of it? You just lost all of it?

18 A Ultimately I lost, but I started off with  
19 100,000. I made money here and there, but ultimately  
20 I lost the investment.

21 Q Okay. We know the car was probably --  
22 I'm just guessing, but looking at the car was  
23 probably 50- or 60 grand for that car. But the back  
24 taxes, I guess that's my last question, again, a  
25 rough figure, like, how much was that?

## C E R T I F I C A T E

STATE OF HAWAII )  
 ) ss.  
CITY AND COUNTY OF HONOLULU )

I, LAURA SAVO, a Certified Shorthand Reporter in and for the State of Hawaii, do hereby certify:

That the foregoing proceedings were transcribed by me or under my supervision and is a complete, true and correct transcript from the official electronic sound recording of the previously entitled matter.

I further certify that I am not of counsel or attorney for any of the parties to this case, nor in any way interested in the outcome hereof, and that I am not related to any of the parties hereto.

Dated: June 7, 2023



LAURA SAVO, RPR, CSR NO. 347